

**RESPONSE AFTER FINAL REJECTION
EXPEDITED PROCEDURE - RULE 116**

**Application: 10/664,322
Attorney Ref: 62061.US
Client Ref: EI-7610**

Amendments to the Claims

1. (Currently Amended) A method of formulating a power transmitting fluid having enhanced wear protection performance comprising the steps of:

 providing a major amount of base oil;

 providing a minor amount of an additive composition comprising

 a) a dispersant,

 b) an antioxidant,

 c) an anti-foam agent, wherein the anti-foam agent comprises about 0.01 to about 1.0 0.08 wt.% of the power transmitting fluid, and

 d) a dioleyl hydrogen phosphite;

 combining the major amount of base oil with the minor amount of additive composition to form a power transmitting fluid;

 wherein the power transmitting fluid has enhanced wear protection performance compared to a power transmitting fluid that does not include the additive composition.

2. (Original) A method of formulating a power transmitting fluid as described in claim 1, wherein the dispersant comprises about 0.1 to about 10 wt.% of the power transmitting fluid.

3. (Original) A method of formulating a power transmitting fluid as described in claim 1, wherein the antioxidant comprises about 0.1 to about 3.0 wt.% of the power transmitting fluid.

4. (Cancelled)

5. (Previously Presented) A method of formulating a power transmitting fluid as described in claim 1, wherein the dioleyl hydrogen phosphite comprises about 0.01 to about 10 wt.% of the power transmitting fluid.

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6. (Original) A method of formulating a power transmitting fluid as described in claim 1, wherein the additive composition further comprises one or more of a sulfur-based extreme pressure additive, a friction modifier, an anti-rust package, a viscosity index improver, a detergent, and a diluent oil.

7. (Cancelled)

8. (Cancelled)

9. (Original) A method of formulating a power transmitting fluid as described in claim 1, further wherein the power transmitting fluid has enhanced anti-shudder durability compared to a power transmitting fluid that does not include the additive composition.

10. (Original) A method of formulating a power transmitting fluid as described in claim 1, wherein the fluid is suitable for use in a transmission employing one or more of a slipping torque converter, a lock-up torque converter, a starting clutch, and one or more shifting clutches.

11. (Previously Presented) A method of formulating a power transmitting fluid as described in claim 10, wherein the fluid is suitable for use in a belt, chain, or disk continuously variable transmission.

12. (Currently Amended) A method of formulating a power transmitting fluid having enhanced anti-shudder durability comprising the steps of:

providing a major amount of base oil;

providing a minor amount of an additive composition comprising

a) a dispersant,

b) an antioxidant,

c) an anti-foam agent, wherein the anti-foam agent comprises about 0.01 to about 4.0 0.08 wt.% of the power transmitting fluid, and

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d) a dioleyl hydrogen phosphite;

combining the major amount of base oil with the minor amount of additive composition to form a power transmitting fluid;

wherein the power transmitting fluid has enhanced anti-shudder durability compared to a power transmitting fluid that does not include the additive composition.

13. (Original) A method of formulating a power transmitting fluid as described in claim 12, wherein the dispersant comprises about 0.1 to about 10 wt.% of the power transmitting fluid.

14. (Original) A method of formulating a power transmitting fluid as described in claim 12, wherein the antioxidant comprises about 0.1 to about 3.0 wt.% of the power transmitting fluid.

15. (Cancelled)

16. (Previously Presented) A method of formulating a power transmitting fluid as described in claim 12, wherein the dioleyl hydrogen phosphite comprises about 0.01 to about 10 wt.% of the power transmitting fluid.

17. (Original) A method of formulating a power transmitting fluid as described in claim 12, wherein the additive composition further comprises one or more of a sulfur-based extreme pressure additive, a friction modifier, an anti-rust package, a viscosity index improver, a detergent, and a diluent oil.

18. (Cancelled)

19. (Cancelled)

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20. (Original) A method of formulating a power transmitting fluid as described in claim 12, wherein the fluid is suitable for use in a transmission employing one or more of a slipping torque converter, a lock-up torque converter, a starting clutch, and one or more shifting clutches.

21. (Previously Presented) A method of formulating a power transmitting fluid as described in claim 20, wherein the fluid is suitable for use in a belt, chain, or disk continuously variable transmission.

22. (Previously Presented) A power transmitting fluid additive composition comprising:

a dispersant;

an antioxidant;

an anti-foam agent, wherein the anti-foam agent comprises about 0.04 to about 4.0 wt.% of the power transmitting fluid; and

a dioleyl hydrogen phosphite.

23. (Original) A power transmitting fluid additive composition as described in claim 22, wherein the dispersant comprises about 0.4 to about 40 wt.% of the additive composition.

24. (Original) A power transmitting fluid additive composition as described in claim 22, wherein the antioxidant comprises about 0.4 to about 12 wt.% of the additive composition.

25. (Cancelled)

26. (Previously Presented) A power transmitting fluid additive composition as described in claim 22, wherein the dioleyl hydrogen phosphite comprises about 0.04 to about 40 wt.% of the additive composition.

27. (Original) A power transmitting fluid additive composition as described in claim 22, wherein the additive composition further comprises one or more of a sulfur-based extreme pressure

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additive, a friction modifier, an anti-rust package, a viscosity index improver, a detergent, and a diluent oil.

28. (Cancelled)

29. (Cancelled)

30. (Original) A power transmitting fluid additive composition as described in claim 22, wherein the additive composition is suitable for use in a transmission employing one or more of a slipping torque converter, lock-up torque converter, a starting clutch, and one or more shifting clutches.

31. (Previously Presented) A power transmitting fluid additive composition as described in claim 30, wherein the additive composition is suitable for use in a belt, chain, or disk continuously variable transmission.

32. (Currently Amended) A power transmitting fluid comprising:

a) a base oil; and

b) an additive composition comprising:

 a dispersant;

 an antioxidant;

 an anti-foam agent, wherein the anti-foam agent comprises about 0.01 to about ~~1.0~~ 0.08 wt.% of the power transmitting fluid; and

 a dioleyl hydrogen phosphite.

33. (Original) A power transmitting fluid as described in claim 32, wherein the dispersant comprises about 0.1 to about 10 wt.% of the power transmitting fluid.

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34. (Original) A power transmitting fluid as described in claim 32, wherein the antioxidant comprises about 0.1 to about 3.0 wt.% of the power transmitting fluid.

35. (Cancelled)

36.(Previously Presented) A power transmitting fluid as described in claim 32, wherein the dioleyl hydrogen phosphite comprises about 0.01 to about 10 wt.% of the power transmitting fluid.

37. (Original) A power transmitting fluid as described in claim 32, wherein the additive composition further comprises one or more of a sulfur-based extreme pressure additive, a friction modifier, an anti-rust package, a viscosity index improver, a detergent, and a diluent oil.

38. (Cancelled)

39. (Cancelled)

40. (Original) A power transmitting fluid as described in claim 32, wherein the fluid is suitable for use in a transmission employing one or more of a slipping torque converter, a lock-up torque converter, a starting clutch, and one or more shifting clutches.

41. (Previously Presented) A power transmitting fluid as described in claim 40, wherein the fluid is suitable for use in a belt, chain, or disk continuously variable transmission.

42. (New) A method for improving the wear protection performance of a power transmitting fluid comprising combining with a major amount of base oil a minor amount of an additive composition comprising

a) a dispersant,

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- b) an antioxidant,
- c) an anti-foam agent, wherein the anti-foam agent comprises about 0.01 to about 1.0 wt.% of the power transmitting fluid, and
- d) a dioleyl hydrogen phosphite.

43. (New) A method for improving the anti-shudder durability performance of a power transmitting fluid comprising combining with a major amount of base oil a minor amount of an additive composition comprising

- a) a dispersant,
- b) an antioxidant,
- c) an anti-foam agent, wherein the anti-foam agent comprises about 0.01 to about 1.0 wt.% of the power transmitting fluid, and
- d) a dioleyl hydrogen phosphite.